

Chapter 3

Referrals & Applications

3.1 Authority: 34 CFR 361.41

3.2 Policy

USOR policy requires the expeditious and equitable handling of referrals and client applications for vocational rehabilitation services. It is USOR policy that individuals referred to the VR program are scheduled for either an individual or group Welcome and Orientation session within 10 working days of initial contact with an office. This policy may also be met by having the client view the USOR Welcome and Orientation video available on the USOR website or on the lobby monitors available in our larger offices. USOR policy further requires that an initial interview with the assigned VR Counselor be scheduled within a reasonable and expeditious time frame after the orientation so as not to delay application and eligibility determination. USOR policy is that VR Counselors will accept and date stamp completed applications when one is presented by an applicant regardless of when the initial interview is scheduled. The 60 day eligibility clock begins on the date the application is received and date stamped.

3.3 Definitions (RSA-IM-86-33)

A. Referral:

A referral is defined as any individual who has been referred to the vocational rehabilitation agency by letter, telephone, direct contact, or any other means; and for whom the following minimum information has been furnished:

1. Name and address.*
2. Reported disability.
3. Age and sex.
4. Date of referral.
5. Source of referral.

* There is no Federal Reporting requirement for client addresses. The Regulations allow state imposed requirements or policy relating to its administration of programs under the Act as long as they are identified as such. The client's address is a state requirement. [34 CFR 361.39]

Applications that do not have at least the minimum information will not be registered, because the law requires USOR to report that information.

B. Applicant:

USOR policy defines an applicant as any individual who completes, signs and submits the USOR-4 Application or has otherwise requested Vocational Rehabilitation Services. When requesting VR services via alternative format, the individual must have provided necessary information to initiate an assessment to determine eligibility. The individual must also be available to complete the assessment process. [34 CFR 361.41(b)(2)] Upon receipt of the completed and signed USOR-4, or alternative format information, the VR Counselor will

place the individual in status 02. While in status 02, it is expected that sufficient information would be accumulated to make a determination of eligibility, ineligibility or the need for a trial work experience.

3.4 Referrals

An applicant can be referred by an agency, employer, medical specialist or individual. The cultivation of adequate referral sources, as well as continuing education regarding the rehabilitation program, is the responsibility of all agency employees.

- A. Outcome. It is the VR Counselor's responsibility to notify referral sources as to the outcome of the referral. This notification should be in the format that the referral is received. Example: In the case of a telephone referral from a physician, a call back to the referring doctor's office informing them of the outcome of the referral would be sufficient; if the referral is by written letter, a letter to the referral source would be most appropriate.
- B. Confidentiality. VR Counselors must be aware of confidentiality issues in notifying the referral source, but a simple acknowledgment of the referral would not breach confidentiality.
- C. Informing referral sources. The education of referral sources to the rehabilitation program and eligibility criteria is an ongoing process. Notification of the outcome of referrals and screening information given to agencies and individuals is a vital component of the referral and education process and is the responsibility of all staff.

3.5 Responsibility for referrals of Visually Impaired Clients

Federal regulations require DSBVI and DRS to establish reciprocal referral and other cooperative services [34 CFR361.24(d)]. Individuals who are applying for or receiving vocational rehabilitation services on the basis of their primary disability being visual impairment will receive services through DSBVI except as follows:

- 1. Deaf-blind clients may be served by either division (DSBVI or DRS) with the responsibility being in the division of the client's choice.
- 2. Clients may be served by DRS if both DRS and DSBVI agree and if written documentation to this effect is included in the client's record. This documentation will be provided by DSBVI within two weeks of a verbal agreement.
- 3. Clients who have vision in one eye and where vision is not at risk because of a congenital or disease condition may be served by either division (DSBVI or DRS) at client's choice.

3.6 Screening Inappropriate Referrals

Federal regulations allow and USOR has implemented a process which will be utilized to screen referrals which after an initial interview (in person or by telephone) with a VR Counselor are determined as not appropriate for registration.

Examples include but are not limited to:

- 1. An individual with no disability.
- 2. An individual who is not a U.S. citizen and cannot provide documentation to verify his/her ability to legally work in the U.S. (see 3.7).

3. An individual who is profoundly severely disabled, who is seeking services to gain independence, but not employment. [Referral to Independent Living Program (IL) would be appropriate disposition].
- B. Documentation of Non-Registered Referrals.
To relieve the VR Counselor from the burden of having to register inappropriate referrals, USOR has implemented the Form USOR-74. (See Appendix 3A) The form will be used to record information on cases determined by the counselor as not appropriate for registering. The form should also be completed in cases where an applicant completes an application but after review and discussion with a VR Counselor decides to withdraw the application, prior to registration.

USOR-74 Instructions:

1. Get as much information as possible. You may or may not have enough to complete the form. Depending upon the circumstances you may only get the person's name.
2. When applicable, give the individual a copy of the Form. VR Counselors should keep a copy of those they complete and give the original to their supervisor. District Directors will collect originals and forward to Field Service Directors.
3. USOR - 74 forms may be used for telephone contacts as well as face to face interviews.

3.7 Legal Status to Engage in Employment

In accordance with U.S. federal law, the VR Counselor must determine the applicant's citizenship status before proceeding with registering the application. The key issue is that the client must be able to work at the completion of the IPE since this is the purpose for the provision of services. If an applicant is unable to legally work in the U.S. they would not be considered an appropriate referral for VR services.

For individuals who are not U.S. Citizens the VR Counselor must verify the individual has the required documents to legally work in the U.S and place copies of the documents in the client record. The VR Counselor will determine, on a case-by-case basis, if USOR assistance may be necessary to obtain documentation of eligibility to work.

- A. If an applicant meets the criteria for one of the following four classifications, the VR Counselor can proceed with registrations:
 1. **U.S. Citizen:** an individual who the maximum rights to live and work in the United States. The VR Counselor should proceed with registration of the application.
 2. **Lawful Permanent Resident (LPR):** an immigrant alien who has been granted the right by the U.S. Citizenship and Immigration Services (USCIS) to reside permanently in the United States and to work without restrictions. All LPR's are eventually issued a "green card," also known as a Permanent Resident Card (USCIS Form I-551). LPR's who are awaiting the issuance of their Permanent Resident Card may have an I-551 stamp in their foreign passports. The VR Counselor must see the resident card of the applicant and make a copy for the client record. If valid, The VR Counselors should proceed with registration of the

application. If the resident card is expired the VR Counselor should request that applicant clear their status before proceeding with registration.

3. **Nonimmigrant Alien:** citizens of foreign countries who have a visa issued by USCIS to enter the U.S. for a particular purpose and time period. Nonimmigrant visas are only valid for a certain amount of time. Examples of Nonimmigrant Aliens include, but are not limited to: students, government officials of foreign countries, crewmen of vessel, visitors in the U.S. for business or pleasure, persons engaged to be married to U.S. Citizens and religious workers.

- i. Employment Authorization: Nonimmigrant Aliens applicants must provide evidence (USCIS Documents) regarding their status and that VR services can be completed and work permitted under the conditions of their visa. For most Nonimmigrant Aliens the required document is an unexpired Employment Authorization Card.

4. **Nonimmigrant Alien – Students:** citizens of foreign countries who have entered the U.S. for the purpose of study are issued Student Visas. These Nonimmigrant Alien Students may be able to work while attending school.

- i. There are two types of Student Visas:
 - a. The F-1 Visa (Academic Student) allows a Nonimmigrant alien to enter the U.S. as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. F-1 students may not work off-campus during the first academic year, but may accept on-campus employment subject to certain conditions and restrictions.
 - b. The M-1 Visa (Vocational Student) category includes Nonimmigrant Alien Students in vocational or other nonacademic programs, other than language training.
- ii. For both F-1 and M-1 students any off-campus employment must be related to their area of study and must be authorized prior to starting any work by the Designated School Official (the person authorized to maintain the Student and Exchange Visitor Information System (SEVIS)) and USCIS. Students who are authorized for employment will have an Employment Authorization Card.
- iii. After completing their academic or vocational studies, Nonimmigrant Alien Students are expected to return to the country from which they came. When determining the appropriateness to accept and register applications from Nonimmigrant Alien Students, the VR Counselor must assess:
 - a. How long the individual intends to work temporarily in the U.S.; and
 - b. The individual's willingness to stay in contact with the VR Counselor should he/she return to his/her country of origin or elsewhere for employment.

B. **Unauthorized Alien:** is an individual who is present in the United States without appropriate legal status. VR Counselors cannot accept and register applications from Unauthorized Aliens. Please note there is no statutory requirement to report

Unauthorized Aliens to USCIS. The mission of the agency is fulfilled when the application process is terminated at this point.

3.8 Re-Opening Cases

- A. Previous status 08, 28 or 30 closure:
If the client is determined by the VR Counselor to be an appropriate referral, register the client's application and proceed with eligibility determination process. Information from the old client record may or may not be appropriate in the new eligibility determination. Although the 1998 Amendments to the Rehabilitation Act stresses maximum utilization of existing information, it is still the VR Counselor's professional discretion that is used to determine the utility of that information.

Examples of "old" client record information which may be useful include but are not limited to:

1. Medical exams, specialized exams and hospital records.
2. Tests of intelligence, aptitude and achievement.
3. Other work evaluation, psychological or medical reports used in conjunction with current data to establish historical documentation of disability, functional limitations, etc.

- B. Previous Status 26 Closure:
If client is determined by the VR Counselor to be an appropriate referral, register the application and proceed with eligibility determination. (See 3.9 below for 26 closure less than a year old) Keep in mind when re-opening status 26, 28 or 30 clients that a previous decision of eligibility does not necessarily make a person automatically eligible a second time. Existing information, including previous client record information, may be appropriate to consider, but the actual eligibility determination must be based on current individual situational factors.

3.9 Consultation with Supervisors

VR Counselors process referrals, applications, and determine eligibility. It is expected that VR Counselors will seek consultation with supervisors whenever they have questions, concerns, or need consultation throughout the VR process. It is **not** Agency expectation that supervisors **approve** the re-opening of every single client closed within the last four years. **It is, however, agency policy that supervisors approve re-opening of any status 26 client within one year of the date of closure.** (Note: Status 32 is not considered re-opening).

3.10 Processing Timelines

DRS expectation is that each individual applying for services will be given an individual or group orientation within 10 working days of initial contact. Federal law requires that a determination of eligibility/ineligibility for vocational rehabilitation services shall be completed within a reasonable period of time not to exceed 60 days after the individual has submitted an application requesting VR services unless:

- A. USOR notifies the individual that exceptional and unforeseen circumstances, beyond the control of the agency, preclude the agency from completing the determination within the prescribed time and the individual agrees to a specific extension of time; or
- B. Trial work experiences are being conducted to explore the individual's abilities, capabilities, and capacity to perform in work situations. (See Chapter 5)

3.11 Documentation Requirement

USOR policy on documentation in referral and applicant status is that client record documentation of applicant progress, shall be as often as necessary, but at least once in the first 60 days.

For specific details on:

- A. Initial Interview - See Chapter 7
- B. Determining Eligibility/Ineligibility - See Chapter 5.
- C. Trial Work Experience - See Chapter 6.
- D. Case Closure - See Chapter 17.

3.12 Referrals From Special Programs

- A. Special Education Students - See Chapter 25
- B. Supported Employment - See Chapter 22

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INITIAL CONTACT REPORT

DATE _____

NAME _____
(Last) (First) (Middle)

ADDRESS _____ (Street)

(City) (State) (Zip)

PHONE _____

DOB _____ SS# _____ MALE _____ FEMALE _____

REASON FOR NON-REGISTRATION

REFERRAL SOURCE _____

REFERRED TO _____

VR COUNSELOR _____

If you disagree with this determination, you may request in writing a Review of the Decision to discuss your case. This can be done by contacting the District Director at this address and phone number stating why you believe this decision is wrong. Your written request should be sent to:

If you request a Review, you are entitled to representation. The Client Assistance Program (CAP) is available to provide legal assistance to you at no cost. They can be reached at the Disability Law Center, 205 N 400 W, Salt Lake City, Utah 84111 or by telephone at 363-1347 or toll free 1-800-662-9080 voice/TTD.